

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-26 are now pending in this application.

1. Rejection of Claims 1-4, 6, 7, and 9-26 Under 35 U.S.C § 102(e) as Anticipated by Hamaguchi et al.

In Section 3 of the Office Action, claims 1-4, 6, 7, and 9-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hamaguchi et al. (U.S. Patent Appl. Publ. No. 2002/0010617).

Applicants respectfully traverse these rejections. The rejections rely in whole on Hamaguchi et al. However, the Applicants respectfully submit that Hamaguchi et al. is unavailable as a prior art reference against claims 1-4, 6-7, and 9-26 of the present application.

Declarations by the inventors pursuant to 37 C.F.R. § 1.131 have been provided herewith, which provide evidence that the subject matter recited in claims 1-4, 6-7, and 9-26 was invented prior to the filing date of Hamaguchi et al. Hamaguchi et al. was filed on November 29, 2000 as U.S. Patent Application No. 09/725,213.

The Declarations and related documents establish that the subject matter recited in claims 1-4, 6-7, and 9-26 was conceived at least by November 02, 2000. Attachments to the Declaration include various information that establishes that the subject matter recited in claims 1-4, 6-7, and 9-26 was conceived by the inventors at least by November 02, 2000, which is before the November 29, 2000 filing date of Hamaguchi et al.

Accordingly, the Applicants submit that Hamaguchi et al. is unavailable as a prior art reference against claims 1-4, 6-7, and 9-26 of the present application, and therefore respectfully request that the rejection of claims 1-4, 6-7, and 9-26 be withdrawn.

2. Rejection of Claims 5 and 8 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Hamaguchi et al.

In section 5 of the Office Action, claims 5 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamaguchi et al. Applicants respectfully submit that as described above, Hamaguchi et al. is not available as a prior art reference. Accordingly, Applicants request the withdrawal of the rejection of claims 5 and 8 under 35 U.S.C. § 103(a) which relies on the use of Hamaguchi et al. in combination with knowledge of one of ordinary skill in the art. Accordingly, Applicants respectfully submit that claims 5 and 8 are therefore allowable.

3. Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 10/19/2006

By 

FOLEY & LARDNER LLP
Customer No.: 26371
Telephone: (414) 319-7306
Facsimile: (414) 297-4900

Matthew J. Swietlik
Attorney for Applicants
Registration No. 58,428